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November 13, 2019

BY EMAIL ONLY

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The Honorable Michael P. Shea
United States District Court - District of Connecticut
450 Main Street
Hartford, CT 06103

RE: Neelu Pal v. Robert Cipolla, et al. - Docket No. 3:18-cv-00616(MPS)

Dear Judge Shea:

On behalf of the defendants Robert Cipolla, Robert Smaldone, Michael Tyler, Scott Sear and the Town of Wilton (the "Wilton defendants"), the undersigned submits this letter regarding the nature of discovery disputes pursuant to the Court's discovery protocols. Pursuant to Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Rule 37(a), the parties conferred via telephone on November 6, 2019, and made a good faith effort to eliminate or reduce the area of controversy.

The parties informed chambers of the discovery dispute via telephone on November 7, 2019. The plaintiff has raised four issues that the parties were not able to resolve during their teleconference. The Wilton defendants raised one issue that the parties were not able to resolve during their teleconference. Each issue will be summarized below with the Wilton defendants' position to each such dispute.

Plaintiff's Issues

1. Plaintiff claims that her deposition of September 24, 2019 is void because the Court Reporter assigned to the deposition may be related to a Judicial Marshal who works in the Stamford-Norwalk Courthouse. Based on this potential relationship, plaintiff has claimed that the Court Reporter was not impartial. Plaintiff has indicated that the substance of her testimony is unlikely to change, but she is requesting that the deposition be deemed void and that a new deposition be scheduled.

Wilton Defendants' Position: For plaintiff's convenience, defense counsel agreed to conduct plaintiff's deposition in New York state. The undersigned contacted a reporting agency in New York, which assigned a Court Reporter with whom the undersigned had not previously worked. Plaintiff unilaterally retained a videographer for her deposition. Thus, to the extent plaintiff has any issues with the transcript, the testimony can be confirmed by a review of the videographer's recording. In sum, there are no grounds to "re-do" plaintiff's deposition.

2. Plaintiff requests that any waiver of the marital communication or familial privilege made at her deposition be deemed void based on the purported impartiality of the Court Reporter.

Wilton Defendants' Position: The Wilton defendants are not aware of any such waivers made at plaintiff's deposition.

3. Plaintiff requests a forensic analysis of the Wilton Police Department ("WPD") computer servers.

Wilton Defendants' Position: Plaintiff's request is without any foundation. This request is simply not relevant to any party's claim or defense and not proportional to the needs of the case. Moreover, the burden, expense and potential disclosure of confidential and privileged information contained on the WPD server(s) outweighs any conceivable benefit. In addition, the WPD computer servers are protected by a law enforcement investigatory privilege that shields the contents of ongoing and unrelated criminal investigations.

4. Plaintiff requests an extension of the current discovery deadline until two months after the Wilton defendants respond to her discovery requests and she has conducted a forensic examination.

Wilton Defendants' Position: On September 29, 2019, the plaintiff served Requests for Production. On October 30, 2019, the Wilton defendants responded and then supplemented their responses on November 8, 2019. The Wilton defendants do not object to a two month extension of all deadlines; however, there is no basis to condition that extension on the resolution of any other discovery dispute.

Wilton Defendants' Issue

1. The undersigned served discovery requests on the plaintiff in July 2018. Plaintiff provided responses and document production on or about February 1, 2019. At her deposition plaintiff testified that additional documents responsive to the Wilton defendants' discovery requests may exist. On the record plaintiff agreed to provide: 1) text messages between plaintiff and Asma Ahmad; 2) audio recordings plaintiff made of conversations with the Wilton defendants; 3) correspondence, including emails and texts between the plaintiff and Debbie Lee; 4) video/audio that plaintiff claims depicts the defendants using slurs; 5) a written finding of neglect DCF issued as a result of the incident that is the subject of this action; 6) an itemization of medical damages and list of medical providers; and 7) documentation of efforts to re-establish a medical practice in 2017-2018. Plaintiff is now refusing to provide the documents based on her position that the deposition is void.

Wilton Defendants' Position: The Wilton defendants are entitled to the requested information, which plaintiff agreed to provide at her deposition, since all requested documents are intimately tied to the parties claims and defenses in this matter.

Very truly yours,



JAMES N. TALLBERG

cc: Neelu Pal (via email); Attorney Patrick Mullins (via email)